


**IN THE HIGH COURT OF PUNJAB AND HARYANA
 AT CHANDIGARH**

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2023:PHHC:157546

**CM No. 9607-CWP-2023 in/and
 RA-CW-190 of 2023 in
 CWP No.18190 of 2008
 Date of Decision:08.12.2023**

Rahul Bhardwaj**....Petitioner**

vs.

Union of India and others**....Respondents****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: Mr. Sunil Kumar Sharma, Senior Panel Counsel
 for the applicant-respondents-Union of India

Mr. Charanpreet Singh, Advocate
 for the non-applicant-petitioner

JAGMOHAN BANSAL, J. (ORAL)

1. The applicant through instant application is seeking recalling of order dated 16.03.2023 passed by this Court in CM-9783-2020. The main petition was disposed of vide order dated 03.05.2019. In para 17 of the order, it was specifically mentioned that petitioner would be reinstated without back wages for the period he remained out of service.

2. By way of order dated 16.03.2023, the petitioner has been extended service benefits with effect from the day he was terminated as well as financial benefits along with interest @ 6% per annum.

3. Learned counsel for the applicant submits that prayer of the present application is confined to wages because in the original order, it was specifically mentioned that petitioner shall not be entitled to any back

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wages. Para 17 of the order dated 03.05.2019 passed by this Court which adverts with question of back wages reads as:-

“17. Consequently, respondents are directed to reinstate the petitioner without any back-wages for the period he remained out of service, subject to his being found medically fit after taking the requisite fitness test.”

4. From the perusal of above quoted para, it is evident beyond the pale of doubt that the petitioner was ordered to be reinstated without back wages for the period he remained out of service. The petitioner may be granted consequential or any other benefits arising on account of reinstatement, however, he cannot be granted back wages in view of the fact that aforesaid findings of this Court have not been disturbed by any Higher Court.

5. Learned counsel for the non-applicant-petitioner submits that petitioner may not be granted back wages in view of order dated 03.05.2019, however, he is entitled to all other consequential benefits arising on account of his re-instatement and respondents till date have not released consequential benefits.

6. Learned counsel for applicant-Union of India submits that order dated 16.03.2023 may be modified to the extent of back wages and respondents would release all other consequential benefits of the non-applicant-petitioner, within three months from today.

7. In the wake of statements of both sides, the application is allowed to the extent that non-applicant-petitioner shall not be entitled to back wages, however, he shall be entitled to all other consequential benefits

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and respondents shall release the same within three months from today.

The application stands disposed of.

**(JAGMOHAN BANSAL)
JUDGE**

08.12.2023
paramjit

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No